

Original

US District Court
Eastern District of NY

CV 07 4502

BIANCO, J.

Gilbert Roman
Plaintiff,

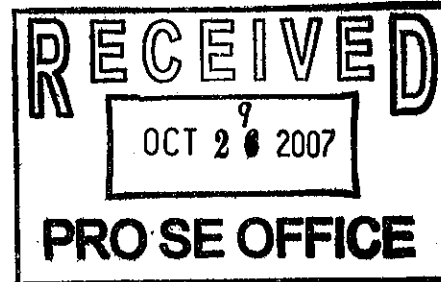
COMPLAINT

Vs.
NSA
Defendant,

WALL, M.J.

Plaintiff seeks a court order ordering the release of requested Freedom of Information Act request and denial; and appeal and denial; from the NSA. Attached are exhibit A and B copies of the requested information

Gilbert Roman Pro Se,



SS
CF

US District Court
Eastern District Of NY

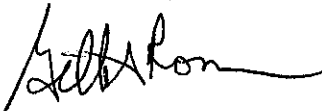
Gilbert Roman,
Plaintiff,
v.
National Security Agency,
Defendants,

MOTION UNDER VAUGHN V. ROSEN TO REQUIRE
DETAILED INDEXING, JUSTIFICATION AND ITEMIZATION

PLAINTIFF, Gilbert Roman moves this court for an order requiring defendants National Security Agency to provide within 30 days of filing of the complaint in this action detailed justification for allegations contained in defendants answer and previous Freedom Of Information Act request, 5 USC Sec. 552, involving an itemization and index of actual portions of requested documents. Attached is plaintiffs exhibit A and B, A FOIA request and appeal request for satellite information. The information requested is between 14 and 22 years old. This information has no military or security issues. On the contrary this information will help to prove invasion of privacy issues. That our founding fathers set up systems of checks and balances to protect the public from illegal gov't operations. A gov,t must be transparent to its people. I have been trying to expose illegal gov't invasion of privacy. That this request and others to follow; will slowly prove my claims. Without reveling gov't secret information.

See VAUGHN V. ROSEN, 484 F2d 820 (DC Cir 1973), cert. den. 415 US 977 (1974).

Respectfully Submitted,
Gilbert Roman
1476 L st.
Elmont, NY 11003



Copy Sent to: National Security Agency
Fort George Meade, MD 20755-6000



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 53444
28 August 2007

Mr. Gilbert Roman
P.O. Box 37023
Elmont, NY 11003

Dear Mr. Roman:

This responds to your Freedom of Information Act (FOIA) request of 27 July 2007, which was received by this office on 3 August 2007, for the following:

1. The satellite time logs for satellites focused on New York and New Jersey State from January 1985 to January 1991.
2. The total amount of hours a satellite was focused on New York and New Jersey State.

Your letter has been assigned Case Number 53444. Please refer to this case number when contacting us about your request.

For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. There are no assessable fees for this request. Your request has been processed under the provisions of the FOIA.

We have determined that the fact of the existence or non-existence of the materials you request is a currently and properly classified matter in accordance with Executive Order 12958, as amended. Thus, your request is denied pursuant to the first exemption of the FOIA which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. The third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, your request is also denied because the fact of the existence or non-existence of the information is exempted from disclosure pursuant to the third exemption. The specific statutes applicable in this case


Exh b.7 A

FOIA Case: 53444

are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

As your request is being denied, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script, reading "Rhea D. Siers".

RHEA D. SIERS
Deputy Associate Director for Policy

Exhibit A



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Case No. 53444/Appeal No. 3280

3 October 2007

Mr. Gilbert Roman
P.O. Box 37023
Elmont, NY 11003

Dear Mr. Roman:

This replies to your letter, dated 12 September 2007, appealing the National Security Agency's (NSA) denial of your request under the Freedom of Information Act (FOIA). You had requested the satellite time logs for satellites focused on New York and New Jersey State from January 1985 to January 1991; and the total amount of hours a satellite was focused on New York and New Jersey State. Your original request, the Deputy Associate Director of Policy's response to you, and your letter of appeal have been reviewed. As a result of this review, I have concluded that the appropriate response to your request is to continue to neither confirm nor deny the existence of the materials you request.

The existence or non-existence of the information you requested is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(1), which protects properly classified information. I have determined that any substantive response to your request would tend to confirm or deny specific activities. The fact of the existence or non-existence of such information is a properly classified matter under Executive Order 12958, as amended, since it meets the specific criteria for classification established in Sections 1.4(c) and (g) of the Order. When such classification is warranted, Section 3.6(a) allows an agency to respond by declining to confirm or deny the existence or non-existence of responsive records.

Further, the fact of the existence or non-existence of the records requested is also exempt pursuant to 5 U.S.C. § 552(b)(3), which permits withholding of matters specifically exempted from disclosure by statute. The applicable statutory provisions with regard to the existence or non-existence of the records requested are: Section 6 of the National Security Act of 1959 (Public Law 86-36, 50 U.S.C. § 402 note), which provides that no law shall be construed to require the disclosure of the organization,

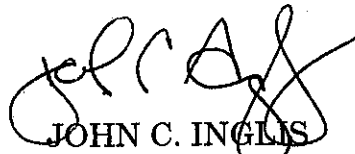
Exhibit B

Case No. 53444/Appeal No. 3280

personnel, functions, or activities of the National Security Agency; 50 U.S.C. § 403-1(i)(1), which requires the protection of intelligence sources and methods from unauthorized disclosure; and 18 U.S.C. § 798, which prohibits the release of information concerning classified communications intelligence activities except to those persons authorized to receive such information.

Since this response may be construed as a denial of your appeal, you are hereby advised of your right pursuant to 5 U.S.C. § 552(a)(4)(B) to seek judicial review of my decision in the United States District Court, in the district in which you reside, in which you have your principal place of business, in which the Agency records are situated (U.S. District Court of Maryland), or in the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Inglis", written over the printed name.

JOHN C. INGLIS

Freedom of Information Act/Privacy Act
Appeals Authority

Exh. b. 1 B